



386162

File



Illinois Environmental Protection Agency

P. O. Box 19276, Springfield, IL 62794-9276

217/782-6761

Refer to: 1990555010 -- Williamson County
Perma-Treat of Illinois
ILD063698971
Compliance File

COMPLIANCE INQUIRY LETTER

Certified #P 681 207 928

September 19, 1991

Perma-Treat of Illinois
Attn: Ms. Carolyn Bond
Industrial Park Drive
Marion, Illinois 62959

Dear Ms. Bond:

The purpose of this letter is to address the status of the above-referenced facility in relation to the requirements of generators and storage sites of hazardous waste and to inquire as to your position with respect to the apparent violations identified in Attachment A and your plans to correct these apparent violations.

The Agency's findings of apparent non-compliance in Attachment A are based on an inspection completed on June 20, 1991. For your convenience a copy of the inspection report is enclosed with this letter.

Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the identified violations, a description of the steps which have been taken to correct the violations and a schedule, including dates, by which each violation will be resolved. The written response, and two copies of all documents submitted in reply to this letter, should be sent to the following:

Deanne Virgin
Compliance Unit
Planning and Reporting Section
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

Further, take notice that non-compliance with the requirements of the Illinois Environmental Protection Act and rules and regulations adopted thereunder may be the subject of enforcement action pursuant to either the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Sec. 1001 et seq. or the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et seq.



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If you have any questions regarding the above, please contact Mr. Gerald Steele at 618/997-4371.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian S. White".

Brian S. White, Manager
Compliance Unit
Planning and Reporting Section
Division of Land Pollution Control

BSW:GS:DV:sf/2827q,12-13

cc: Division File
Marion Region
Gerald Steele
Deanne Virgin



Attachment A

1. Pursuant to 35 Ill. Adm. Code 703.153 any person who owns or operates an "existing HWM facility" or a facility in existence on the effective date of statutory or regulatory amendments which render the facility subject to the requirements to have a RCRA permit shall have interim status and shall be treated as having been issued a permit to the extent he or she has:
 - 1) Complied with the requirements of Section 3010(a) of the Resource Conservation and Recovery Act pertaining to notification of hazardous waste activity;
 - 2) Complied with the requirements of Sections 703.150 and 703.152 governing submission of Part A applications.

You are in apparent violation of 703.153 in that a Part A application has not been filed for your storage site.

2. Pursuant to 35 Ill. Adm. Code 725.111, every facility owner or operator must apply to USEPA for a USEPA identification number in accordance with the USEPA notification procedures (45 FR 12746). You are in apparent violation of this Section in that you have not applied for a USEPA identification number for your facility as a storage site.
3. Pursuant to 35 Ill. Adm. Code 725.115(a), the owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges which may be causing -- or may lead to -- the conditions listed below. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.
 - 1) Release of hazardous waste constituents to the environment or
 - 2) A threat to human health.

You are in apparent violation of 35 Ill. Adm. Code 725.115(a) for the following reason: Inspections of the facility other than the drum holding area are not conducted.

4. Pursuant to 35 Ill. Adm. Code 725.115(b):
 - 1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.
 - 2) The owner or operator shall keep this schedule at the facility.
 - 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).



- 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.447, 725.477 and 725.503.

You are in apparent violation of 35 Ill. Adm. Code 725.115(b) for the following reason: The schedule does not include areas other than the drum holding area. Spills were observed which were not noted on any of the inspection forms.

5. Pursuant to 35 Ill. Adm. Code 725.115(c), the owner or operator shall remedy any deterioration or malfunction of equipment or structure which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

You are in apparent violation of 35 Ill. Adm. Code 725.115(c) for the following reason: Spills and releases were observed which were not being responded to.

6. Pursuant to 35 Ill. Adm. Code 725.115(d), the owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date and nature of any repairs or other remedial actions.

You are in apparent violation of 35 Ill. Adm. Code 725.115(d) for the following reason: Your inspection records do not include the waste pile area, or reflect spills and releases observed during the inspection.

7. Pursuant to 35 Ill. Adm. Code 725.131, facilities must be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment. You are in apparent violation of 35 Ill. Adm. Code 725.131 for the following reason: Spills and releases were observed at the drip track, the waste pipe, and the drum holding area.
8. Pursuant to 35 Ill. Adm. Code 725.135, the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency. You are in apparent violation of this Section because adequate aisle space was not maintained on the date of the inspection.



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9. Pursuant to 35 Ill. Adm. Code 725.151(b) the provisions of the contingency plan must be carried out immediately. Whenever there is a fire, explosion or release of hazardous waste contaminants. You are in apparent violation of 35 Ill. Adm. Code 725.151(b) in that releases were observed at the waste pile and in drum holding with no actions being taken.
10. Pursuant to 35 Ill. Admin. Code 725.156, the emergency coordinator must implement specific emergency procedures in an emergency. You are in apparent violation of 35 Ill. Adm. Code 725.156 for the following reason: Spills and releases were observed which were not and had not been responded to.
11. Pursuant to 35 Ill. Adm. Code 725.173:
 - a. The owner or operator shall keep a written operating record at the facility.
 - b. The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.
 1. A description and the quantity of each hazardous waste received and the method(s) and date(s) of its treatment, storage or disposal at the facility as required by Appendix A;
 2. The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;

(Board Note: See Sections 725.219, 725.379 and 725.409 for related requirements.)
 3. Records and results of waste analysis and trial tests performed as specified in Sections 725.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475 and 725.502;
 4. Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);
 5. Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);
 6. Monitoring, testing or analytical data where required by Sections 725.190, 725.194, 725.291, 725.293, 725.295, 725.376, 725.378, 725.380(d)(1), 725.447 and 725.477; and



(Source note: as required by Section 725.104, monitoring data at disposal facilities must be kept throughout the post-closure period.)

7. All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244.

You are in apparent violation of 35 Ill. Adm. Code 725.173 for the following reason: Failure to keep an operating record for the waste pile as required above.

12. Pursuant to 35 Ill. Adm. Code 725.177 the owner or operator must submit reports to the Agency concerning releases, fires, or explosions as required by 725.159(j). You are in apparent violation of 35 Ill. Adm. Code 725.177 for the following reason: Reports of releases have not been submitted.

13. Pursuant to 35 Ill. Adm. Code 725.212(a), the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee or representative of the Agency.

You are in apparent violation of 35 Ill. Adm. Code 725.212(a) for the following reason: You do not have a written closure plan covering the waste pile.

14. Pursuant to 35 Ill. Adm. Code 725.242(a), the owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725.211 through 725.215 and applicable closure requirements of Sections 725.297, 725.323, 725.353, 725.380, 725.410, 725.451, 725.481 and 725.504.

1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 725.212(b)); and

2) The closure cost estimate must be based on the costs to the owner or operator of closing a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in Section 725.241(d).) The owner or operator may use costs for on-site disposal if the owner or operator can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.



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- 3) The closure cost estimate must not incorporate any salvage value that may be realized by the sale of hazardous wastes, facility structures or equipment, land or other facility assets at the time of partial or final closure.
- 4) The owner or operator shall not incorporate a zero cost for hazardous waste which may have economic value.

You are in apparent violation of 35 Ill. Adm. Code 725.242(a) for the following reason: This requirement has not been met for the waste pile.

15. Pursuant to 35 Ill. Adm. Code 725.353(a), if leachate or runoff from a pile is a hazardous waste, then either:

- 1) The pile must be placed on an impermeable base that is compatible with the waste under the conditions of treatment or storage;
- 2) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm;
- 3) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm; and
- 4) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously to maintain design capacity of the system.

You are in apparent violation of 35 Ill. Adm. Code 725.353(a) for the following reason: These minimal technical requirements have not been met for your waste pile.

16. Pursuant to 35 Ill. Adm. Code 725.353(b), if leachate or runoff from a pile is a hazardous waste, then either:

- 1) The pile must be protected from precipitation and run-on by some other means; and
- 2) No liquids or wastes containing free liquids may be placed in the pile.

Board Note: If collected leachate or runoff is discharged through a point source to waters of the United States, it is subject to the requirements of Section 12 of the Illinois Environmental Protection Act, as amended.

You are in apparent violation of 35 Ill. Adm. Code 725.353(b) for the following reason: Wastes containing free liquids have been placed in the waste pile.



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17. Pursuant to 35 Ill. Adm. Code 725.354, the owner or operator of a waste pile is subject to the requirements for liners and leachate collection systems or equivalent protection provided in 35 Ill. Adm. Code 724.351, with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the area identified in the Part A permit application, and with respect to waste received beginning May 8, 1985.

You are in apparent violation of 35 Ill. Adm. Code 725.354 for the following reason: These minimum technical requirements have not been met for the waste pile.

DV:sf/2827q,15-20